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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 AMERICAN SAFETY INDEMNITY  
12 COMPANY,

13 Plaintiff,

14 vs.

15 NATIONAL UNION FIRE INSURANCE  
16 COMPANY OF PITTSBURGH,

Defendant.

CASE NO. 09cv2778 DMS (WVG)

**ORDER GRANTING  
DEFENDANT'S MOTION FOR  
LEAVE TO FILE THIRD PARTY  
COMPLAINT**

17 Pending before the Court is Defendant's motion for leave to file a third party complaint against  
18 Virginia Surety Company, Inc. (Doc. 56.) No opposition to the motion was filed. "The decision  
19 whether to permit impleader is left to the discretion of the trial court. . . . In deciding whether to  
20 permit impleader, a court must consider the following: (1) prejudice to the original plaintiff; (2)  
21 complication of issues at trial; (3) likelihood of trial delay; (4) timeliness of the motion to implead."  
22 *Irwin v. Mascott*, 94 F. Supp. 2d 1052, 1056 (9th Cir. 2000)(citation omitted). Consideration of these  
23 factors here weighs in favor of permitting impleader. Accordingly, Defendant's motion is granted.

24 **IT IS SO ORDERED.**

25 DATED: July 14, 2011

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28 HON. DANA M. SABRAW  
United States District Judge